OIPE JUL 14 2008 PATENT & TRADEMARK OFFICE

Docket No.: 000166.2040-US01
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
James R. Dasch et al.

Application No.: 10/681,571 | Confirmation No.: 9229

Filed: October 8, 2003 | Art Unit: 1616

For: METHOD OF MODIFYING THE RELEASE PROFILE OF SUSTAINED RELEASE COMPOSITIONS | Examiner: J. D. Pak

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed April 14, 2008 (Paper No. 20080410), Applicants hereby provisionally elect Group I (the biologically active labile agent is exendin-4 as recited in dependent claim 15) for continued examination. Claims 1-15 read on the elected invention.

The Examiner has further required an election of a single disclose species of: (1) a biocompatible polymer; and (2) a corticosteroid. In response to the election of species requirement, Applicants hereby provisionally elect without prejudice: (1) poly(lactide-co-glycolides); and (2) triamcinolone compounds. To the extent the Examiner is requiring an election of a single corticosteroid compound, which Applicants respectfully traverse as being overly restrictive, Applicants provisionally elect triamcinolone acetonide. Claims 1-15 also read on the two elected species.

The Examiner has required restriction among the nineteen groups (I through XIX) set forth on pages 2 and 3 of the Office Action. The Examiner recognizes that claims 1-14 and 16